

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

MAYA C. CROSS, on behalf of)
herself and all others)
similarly situated,)
)
Plaintiff,) CASE NO. CV414-122
)
v.)
)
SECURITY CREDIT SYSTEMS,)
INC.,)
)
Defendant.)
)

U. S. DISTRICT COURT
Southern District of Ga.
Filed In Office

4/15 2015

Deputy Clerk

O R D E R

Before the Court is Plaintiff's Notice of Voluntary Dismissal. (Doc. 7.) Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), a plaintiff may dismiss an action by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Normally, a class action suit such as this may be dismissed only with the Court's approval. Fed. R. Civ. P. 23(e). Although a class has not been certified in this case, "[t]he requirements of Rule 23(e) can be applied to a stipulation of dismissal in the pre-certification stage—and indeed should be so applied—to avoid collusion in the early stages of class litigation." Sikes v. Am. Telephone & Telegraph Co., 841 F. Supp. 1572, 1578 n.2 (S.D. Ga. 1993). However, court approval is not required where a putative

class representative seeks to settle only individual claims. See Fed. R. Civ. P. 23(e) (committee advisory notes to 2003 amendments).

Here, it is unclear whether Plaintiff seeks to settle only her individual claims against Defendant or whether the dismissal is intended to apply to the entire prospective class. The Notice of Voluntary Dismissal is comprised of a single sentence that simply indicates that "this action shall be dismissed with prejudice to all claims." (Doc. 7 at 1.) As a result, the Court is unable to determine whether the protections afforded by Rule 23(e) are appropriate in this case. Accordingly, Plaintiff is hereby **ORDERED** to file an amended Notice of Voluntary Dismissal that clearly identifies the claims affected.

SO ORDERED this 15th day of April 2015.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA